



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.08.2016
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.13891 of 2016

WEB COPY

Emadharmaraja

... Petitioner

-vs-

1.The Superintendant of Police,
Tirunelveli District,
Tirunelveli.

2.The Sub Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records pertaining to the proceeding dated 27.07.2016 of the 2nd respondent and quash that portion alone wherein the 2nd respondent rejecting permission for "Innisai Kachery" program as illegal and direct the 2nd respondent to give adequate police protection and to grant permission for conducting Innisai Kacheri program on 12.08.2016 at 10.00 p.m. onwards in Sri Karuguvel Ayyanar Temple, Gurusampuram, Kallurani Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.S.Alagusundar

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader.

O R D E R

The writ petition has been filed to quash the impugned order passed by the 2nd respondent dated 27.07.2016 with the consequential direction to the second respondent to grant permission and police protection for conducting Innisai Kacheri program on 12.08.2016 at 10.00 p.m. onwards in Sri Karuguvel Ayyanar Temple, Gurusampuram, Kallurani Village, Tenkasi Taluk, Tirunelveli District.

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the second respondent, but, however, the same was not considered and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a



peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5.The learned Additional Government Pleader appearing for the respondents would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of problem being created by people belonging to different communities.

6.A perusal of the impugned order of rejection would go to show that the representation of the petitioner has been rejected on mere apprehension that there is a likelihood of problem being created by people belonging to different communities. This apprehension is unfounded, as it is not supported by any document. Therefore, the order dated 27.07.2016 passed by the second respondent is liable to be set aside.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 27.07.2016 is set aside. The second respondent is directed to accord permission to the petitioner to conduct **Innisai Kacheri programme** in Sri Karuguvel Ayyanar Temple, Gurusampuram, Kallurani Village, Tenkasi Taluk, Tirunelveli District., scheduled to be held on 12.08.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

- (a) Songs conveying obscene double meaning should not be played;
- (b) No songs touching upon the conduct of any political party or community or caste be played;
- (c) No flex boards in support of any political party or religious leader be erected;
- (d) The programme shall be conducted without showing any discrimination based on caste/community etc., and it shall be ensured that it is towards promoting communal harmony;
- (e) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;
- (f) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.

Sd/
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police, Tirunelveli District, Tirunelveli.
- 2.The Sub Inspector of Police,

Pavoorchatram Police Station, Tirunelveli District.

+1cc to M/S.S.Alagu Sundar, Advocate in SR.No.42042

+1cc to Special Government Pleader in SR.No.42202

W.P (MD) No.13891 of 2016
04.08.2016

mj

PA/GSV-PM/SAR I/08.08.2016/2P/5C (IT)